IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT NOTICE OF MOTION NO.2007 OF 2007
IN
SUIT NO.1118 OF 2004

Nitin Tukaram Gawankar ...Plaintiff
Vs.
Vrutta Manas & Ors. ...Defendants
And
Amulacharya & Ors. ...Contemnors

Mr.K.K.Pandey for Plaintiff
None for Defendants

CORAM: SMT. ROSHAN DALVI, J.
DATED: 1ST AUGUST, 2007

P.C.

1. This Notice of Motion has been taken out as a Contempt Notice of Motion showing three contemnors against whom it is taken out besides the Defendants. The act of contempt is the breach of a statement made by the Advocate of the Defendants on behalf of the Defendants on 20th September, 2004 in Notice of Motion No.1265 of 2004 in the above suit before this Court.

2. The aforesaid order shows that the suit was filed and the

Notice of Motion was taken out for injunction against the Defendants from publishing certain news items which, according to the Plaintiff, is highly defamatory material. The Defendants made a statement that they shall not publish any defamatory material against the Plaintiff.

3. The Plaintiff alleges that the Defendants have lodged the criminal complaint against the Plaintiff calling him a Goonda etc. Advocate for the Plaintiff concedes that the Defendants have not published in any newspaper the contents of the complaint.

4. The Advocate contends that pending the suit, no such criminal complaint can be filed or lodged by the Defendants or the contemnors against the Plaintiff. That contention is entirely misconceived. No party can be injuncted against lodging a criminal complaint or a criminal prosecution under Section 41(d) of the Specific Relief Act, 1963. There is no statement that the Defendants will not lodge any criminal complaints against the Plaintiff. Absolutely no case of contempt is made out.

5. Notice of Motion is dismissed. No order as to costs.

(SMT. ROSHAN DALVI, J.)